

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

GREGORY ROBINSON,

Petitioner,

V.

WAYNE CARPENTER, Warden,

Respondent.

No. 2:14-cv-02630-SHL-tmp
Judge Lipman
DEATH PENALTY CASE

**JOINT MOTION TO REVISE PROPOSED SCHEDULING ORDER
AND WAIVE PAGE LIMITATION**

Comes now Respondent, Wayne Carpenter, and the petitioner, Gregory Robinson, and jointly move this Court for a revised scheduling order. As grounds in support, the parties state:

1. On October 31, 2014, the parties proposed a scheduling order pursuant to the Court's order so instructing. (E.C.F. 17.) The Court subsequently granted a scheduling order setting a deadline to file summary judgment motions and any motions for an evidentiary hearing no later than 90 days after the close of discovery. (E.C.F. 18.) On August 4, 2016, this Court denied petitioner's motion for discovery and ordered the parties to file dispositive motions in accordance with the Scheduling Order, or by November 2, 2016. (E.C.F. 44, PageID# 8675.)
2. The parties are not able to meet this proposed deadline due to a number of factors. Counsel for the respondent and counsel for the petitioner both have oral arguments before the Sixth Circuit Court of Appeals on November 2, 2016, in a case involving

another capital defendant, *Andrew Thomas, Jr. v. Bruce Westbrooks*, 15-5399, and counsel for the petitioner just recently finished another Sixth Circuit oral argument the week prior. Counsel for the respondent also recently finished dispositive briefing in another capital case, *Charles Rice v. Bruce Westbrooks*, 2:14-cv-02520 (W.D. Tenn.), which required extensive preparation time.

3. Due to the foregoing reasons and the voluminous size of the record in this case, the parties request the Court set a summary judgment deadline and a deadline for motions for an evidentiary hearing thirty days after the original deadline, resulting in a new deadline of **December 2, 2016**, with responses to such motions due 60 days thereafter, and any replies to be filed within 30 days of the response. The parties believe that this extension will allow for sufficient time for a thorough briefing of the issues to be decided.
4. Additionally, the parties request that this Court waive Local Rules 7.2(e) and 56.1(a) regarding page limitation for motions and summary judgment motions. In this capital case, compliance with page limitations is not possible given the number of issues raised in the petitioner's challenge to his conviction and sentence and supporting memorandum will be tailored to be as brief as possible.

WHEREFORE, the parties respectfully move that this Court set the parties' deadlines to file dispositive motions and/or motions for evidentiary hearings on **December 2, 2016**, and waive any applicable local page limitations.

Respectfully submitted,

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Attorney General & Reporter

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CERTIFICATE OF CONSULTATION

I hereby certify that I consulted with petitioner's counsel, Robert Hutton, as to this joint motion and that the parties are in agreement as to the same.

Respectfully submitted,

HERBERT H. SLATERY, III
Attorney General & Reporter

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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been filed with the Court's electronic filing system, which will forward a copy to respondent's counsel, Robert L. Hutton, Glankler Brown, PLLC, 6000 Poplar Ave, Ste 400, Memphis TN 38119, and all other counsels of record, on this 31th day of October, 2016.

/s/ Michael M. Stahl
MICHAEL STAHL
Assistant Attorney General